

# EXHIBIT J

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

IN RE: ORAL PHENYLEPHRINE  
MARKETING AND SALES PRACTICES  
LITIGATION

23-md-3089-BMC

THIS DOCUMENT APPLIES TO:  
ALL CASES

**DECLARATION OF  
CHRISTOPHER A. SEEGER IN  
SUPPORT OF APPOINTMENT AS  
INTERIM CLASS COUNSEL AS AN  
EXECUTIVE COMMITTEE MEMBER**

I, Christopher A. Seeger, submit this Declaration in support of the Consensus Leadership Group’s proposed leadership structure for this multidistrict litigation and for my appointment as Interim Class Counsel as an Executive Committee member within that structure, and state:

1. I am a founding partner of Seeger Weiss LLP (“Seeger Weiss”), which is a trial firm of approximately 40 lawyers with offices in New York, New Jersey, Pennsylvania, and Massachusetts. My firm is broadly regarded as one of the nation’s preeminent trial law firms, with an established track record of helping lead some of the most complex and impactful cases on behalf of injured parties. My firm’s cases which I have lead frequently are at the forefront of the law on issues of importance to our communities, whether redressing the Opioid epidemic, obtaining life-changing benefits for former NFL players and their families, compensating thousands of veterans injured by 3M’s defective earplugs, holding social media platforms responsible for victimizing our children, bringing Volkswagen to justice in the “Clean Diesel” litigation or, here, holding manufacturers and retailers of over-the-counter medications for years of deceptive sales practices relating to the sale of some of the most widely-used over-the-counter medications.<sup>1</sup>

2. For most of my 33-year career I have represented the interests of and defended the rights of individuals in products liability and consumer protection actions in multidistrict

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<sup>1</sup> A copy of Seeger Weiss’s current firm resume is attached to my Declaration as Exhibit A.

litigation and class actions and more widely represented plaintiff across a versatile range of litigation, including drug injury, product liability, property damage, third-party payer litigation, antitrust, and securities fraud. I regularly serve in leadership roles – selected by my peers or appointed by courts to coordinate and steward complex litigations, including class action, in which my firm is involved. While far from exhaustive, these appointments include:

- *In re 3M Combat Arms Earplug Prods. Liab. Litig.*, MDL 2885 (N.D. Fla.) (appointed Co-Lead Counsel and oversaw negotiation of global settlement worth \$6 billion);
- *In re Nat'l Prescription Opiate Litig.*, MDL No. 2804 (N.D. Ohio) (appointed Co-Lead Counsel of the Negotiation Class and to the Executive Committee and Settlement Committee which reached settlements to date worth over \$50 billion from multiple defendants);
- *In re Social Media Adolescent Addiction/Personal Injury Products Liability Litigation*, MDL 3047 (N.D. Ca.) (appointed Co-Lead Counsel);
- *In re Nat'l Football League Players' Concussion Injury Litig.*, MDL No. 2323 (E.D. Pa.) (appointed to serve as Lead Class Counsel and oversaw settlement paying over \$1 billion in monetary awards to date);
- *In re Philips Recalled CPAP, Bi-Level Pap, and Mechanical Ventilator Products Litigation*, MDL No. 3014 (W.D. Pa.) (appointed Co-Lead Counsel);
- *In re Proton-Pump Inhibitor Products Liability Litigation (No. II)*, MDL No. 2786 (D.N.J.) (appointed Co-Lead Counsel and oversaw over \$5 million in settlement with multiple defendants);
- *In re American Medical Collection Agency, Inc. Customer Data Security Breach Litigation*, MDL 2904 (D.N.J.) (appointed Co-Lead counsel in multi-defendant litigation for the Quest defendant); and
- *In re Volkswagen 'Clean Diesel' Marketing Sales Practices Litigation*, MDL No. 2672 (N.D.Ca.) (appointed to Plaintiffs' Steering Committee and Settlement Committee which drove settlement worth \$10 billion).

3. I am willing and available to provide the same level of commitment prosecuting the claims of consumers in this litigation as I have brought to each of my earlier appointments. Indeed, while my work as co-lead in the 3M Earplugs litigation is not over, the global resolution

I helped to negotiate in that litigation has freed up substantial time for me to dedicate to other, new litigation. This would be my top priority among any new case responsibilities I accept.

4. As is clear from my long history of leadership appointments I have significant experience working on complex litigations, and as a litigation leader can and do bring cases to efficient and successful resolution for plaintiffs. My firm possesses ample personnel, funding, and other resources to prosecute this matter in a timely and efficient manner. I will prioritize the interests of all consumers and am personally ready and eager to commit whatever is needed to obtain the most favorable outcome in this litigation. In addition to myself, Seeger Weiss brings considerable talent, resources, and support to its cases with approximately 100 employees, 40 attorneys, and 25 paralegals on staff. The firm's track record demonstrates its ability to integrate teams across offices and to support large, complex cases with needed resources. Seeger Weiss will devote the time and resources needed to effectively litigate this matter.

5. I fully appreciate the necessity and importance of working collaboratively and cooperatively with fellow plaintiffs' counsel and opposing counsel. Given the scope and scale of the litigation I have been honored to serve in a leadership capacity, and my personal commitment to drawing on and develop the best available talent, I have worked with co-counsel from a wide variety of firms, from various and diverse backgrounds, and from across the nation. I firmly believe my colleagues and peers would attest to my record of cooperation and collegiality.

6. Accordingly, I respectfully seek this Court's appointment to serve as Interim Class Counsel as an Executive Committee member. I would be honored to serve the interests of the plaintiffs and class members in this litigation.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 28th, 2023, in Ridgefield Park, New Jersey.

/s/Christopher A. Seeger

Christopher A. Seeger  
SEEGER WEISS LLP  
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# Exhibit 1

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# SEEGERWEISS<sub>LLP</sub>

One of the preeminent trial law firms in the nation, Seeger Weiss is best known for its landmark verdicts and settlements in multidistrict mass tort and class action litigation on behalf of consumers, veterans, athletes, farmers, municipalities, counties, and other injured parties. Since its founding in 1999, the firm has led and tried some of the most complex and high-profile litigations in the nation, including multiple bellwether trials, in both state and federal courts.

Team	Languages	Offices
<b>Managing partners:</b> <ul style="list-style-type: none"><li>• Christopher A. Seeger</li><li>• Stephen A. Weiss</li><li>• David R. Buchanan</li></ul>	<ul style="list-style-type: none"><li>• English</li><li>• German</li><li>• Hebrew</li></ul>	<b>New Jersey</b> 55 Challenger Road Ridgefield Park, NJ 07660
<b>Total partners:</b> 12	<ul style="list-style-type: none"><li>• Hindi</li><li>• Korean</li></ul>	<b>New York</b> 100 Church Street New York, NY 10007
<b>Total lawyers:</b> 42	<ul style="list-style-type: none"><li>• Russian</li><li>• Spanish</li><li>• Urdu</li></ul>	<b>Pennsylvania</b> 1515 Market Street Suite 1380 Philadelphia, PA 19102
		<b>Massachusetts</b> 1280 Centre Street Suite 230 Newton, MA 02459

## Representative Cases

### Consumer Protection / Product Liability

#### *Social Media Adolescent Addiction/Personal Injury Products Liability Litigation*

NORTHERN DISTRICT OF CALIFORNIA – MDL No. 3047

Co-lead counsel in MDL prosecuting product liability claims targeting social media platforms.

#### *Philips Recalled CPAP, Bi-Level Pap, and Mechanical Ventilator Products Litigation*

WESTERN DISTRICT OF PENNSYLVANIA – MDL No. 3014

Co-lead counsel in MDL prosecuting claims arising from recalled medical product. Uncapped \$479 million economic loss class action settlement for patients and payers impacted by recall.

#### *3M Combat Arms Earplug Products Liability Litigation*

NORTHERN DISTRICT OF FLORIDA – MDL No. 2885

Co-lead counsel in MDL prosecuting product liability claims arising from product. Over \$6 billion settlement on behalf of 250,000 servicemembers and veterans.

#### *Intel Corp. CPU Marketing, Sales Practices & Products Liability Litigation*

DISTRICT OF OREGON – MDL No. 2828

Co-lead counsel in class action prosecuting consumer fraud, product defect and related claims.

#### *American Medical Collection Agency, Inc. Customer Data Security Breach Litigation*

DISTRICT OF NEW JERSEY – MDL No. 2904

Co-lead counsel (Quest Track) in class action prosecuting consumer data privacy claims.

#### *Davol, Inc. / C.R. Bard Inc. Polypropylene Hernia Mesh Products Liability Litigation*

SOUTHERN DISTRICT OF OHIO – MDL No. 2846

Executive Committee member in MDL prosecuting product liability claims arising from medical product.

#### *Volkswagen “Clean Diesel” Marketing, Sales Practices, & Products Liability Litigation*

NORTHERN DISTRICT OF CALIFORNIA – MDL No. 2672

Steering Committee in class action arising from consumer fraud. Over \$20 billion settlement on behalf of over 500,000 class members.

#### *Mercedes-Benz Emissions Litigation*

DISTRICT OF NEW JERSEY

Co-counsel prosecuting class action alleging consumer fraud, RICO, and related claims. \$700 million settlement on behalf of class members.



*Fenner et al. v. General Motors LLC et al.*

EASTERN DISTRICT OF MICHIGAN

Co-counsel prosecuting class action alleging consumer fraud, RICO, and related claims.

*Counts et al. v. General Motors, LLC*

EASTERN DISTRICT OF MICHIGAN

Co-counsel prosecuting class action alleging consumer fraud, RICO, and related claims.

*Bledsoe et al. v. FCA US LLC et al.*

EASTERN DISTRICT OF MICHIGAN

Co-counsel prosecuting class action alleging consumer fraud, RICO, and related claims.

*Gamboa et al. v. Ford Motor Company et al.*

EASTERN DISTRICT OF MICHIGAN

Co-counsel prosecuting class action alleging consumer fraud, RICO, and related claims.

*Rickman v. BMW of North America*

DISTRICT OF NEW JERSEY

Co-counsel prosecuting class action alleging consumer fraud, RICO, and related claims.

*FieldTurf Artificial Turf Marketing & Sales Practices Litigation*

DISTRICT OF NEW JERSEY – MDL No. 2779

Co-lead counsel prosecuting class action for fraud, product defect, and related claims.

*Chinese-Manufactured Drywall Products Liability Litigation*

EASTERN DISTRICT OF LOUISIANA – MDL No. 2047

Lead trial counsel and trial committee chair in MDL prosecuting fraud, product defect, and related claims. Over \$1 billion settlement on behalf of nearly 5,000 plaintiffs.

*Depuy Orthopaedics, Inc. ASR Hip Implant Products Multidistrict Litigation*

NORTHERN DISTRICT OF OHIO – MDL No. 2197

Executive Committee in MDL prosecuting fraud, product defect, and related claims. \$2.5 billion settlement.

**Catastrophic Injury**

*NFL Players' Concussion Injury Litigation*

EASTERN DISTRICT OF PENNSYLVANIA – MDL No. 2323

Co-lead counsel and chief negotiator for class of former NFL players. Over \$1 billion uncapped settlement fund plus medical testing program on behalf of over 20,000 plaintiffs.

### *Wildcats Bus Crash Litigation*

NEW YORK SUPREME COURT OF LIVINGSTON COUNTY

Lead counsel. \$2.25 million verdict followed by \$36 million settlement on behalf of 11 plaintiffs.

## **Drug Injury**

### *National Prescription Opiate Litigation*

NORTHERN DISTRICT OF OHIO – MDL No. 2804

Member of Plaintiffs' Executive Committee, Settlement Committee, Manufacturers' Committee, Law and Briefing Committee, as well as co-lead counsel for Negotiation Class in MDL prosecuting RICO, public nuisance, and related claims on behalf of local governments.

### *Proton-Pump Inhibitor Products Liability Litigation (No. II)*

DISTRICT OF NEW JERSEY – MDL No. 2789

Co-lead counsel in ongoing MDL representing individuals injured by gastric acid reduction medication. \$533.5 million in settlements with multiple defendants.

### *Elmiron (Pentosan Polysulfate Sodium) Products Liability Litigation*

DISTRICT OF NEW JERSEY – MDL No. 2973

Co-lead counsel in MDL representing individuals injured by interstitial cystitis medication.

### *Testosterone Replacement Therapy Products Liability Litigation*

NORTHERN DISTRICT OF ILLINOIS – MDL No. 2545

Co-lead counsel and lead trial counsel in MDL representing individuals injured by testosterone medication. \$140 million verdict in bellwether case Konrad v. AbbVie Inc. and \$150 million verdict in bellwether case Mitchell v. AbbVie Inc.

### *Invokana Products Liability Litigation*

DISTRICT OF NEW JERSEY – MDL No. 2750

Co-lead counsel in MDL representing individuals injured by diabetes medication. Confidential settlement on behalf of plaintiffs.

### *Vioxx Products Liability Litigation*

EASTERN DISTRICT OF LOUISIANA – MDL No. 1657

Co-lead counsel in MDL representing individuals injured by pain medication. \$4.85 billion global settlement on behalf of more than 45,000 plaintiffs in approximately 27,000 claims.

### *Zyprexa Products Liability Litigation*

EASTERN DISTRICT OF NEW YORK – MDL No. 1596

Liaison counsel. \$700 million first-round settlement and \$500 million second-round settlement.

*Kendall v. Hoffman-La Roche, Inc.*

SUPREME COURT OF NEW JERSEY

Co-trial counsel. \$10.6 million verdict on behalf of plaintiff.

*McCarrell v. Hoffman-La Roche, Inc.*

SUPREME COURT OF NEW JERSEY

Liaison counsel. \$25.16 million verdict on behalf of plaintiff.

*Rossitto & Wilkinson v. Hoffmann La Roche, Inc.*

NEW JERSEY SUPERIOR COURT

Lead trial counsel. \$18 million verdict on behalf of two plaintiffs.

*Accutane Litigation*

NEW JERSEY SUPERIOR COURT – MDL No. 2523

Lead trial counsel. \$25.5 million verdict on behalf of plaintiff.

*Humeston v. Merck & Co.*

NEW JERSEY SUPERIOR COURT

Co-trial counsel. \$47.5 million verdict on behalf of plaintiff.

*Vytorin/Zetia Marketing, Sales Practices, & Products Liability Litigation*

DISTRICT OF NEW JERSEY – MDL No. 1938

Co-liaison counsel and principal negotiator. \$41.5 million settlement.

*Phenylpropanolamine (PPA) Products Liability Litigation*

WESTERN DISTRICT OF WASHINGTON – MDL No. 1407

Co-lead counsel and principal negotiator. Over \$40 million nationwide settlement.

*Xarelto (Rivaroxaban) Products Liability Litigation*

EASTERN DISTRICT OF LOUISIANA – MDL No. 2592

Plaintiffs' Steering Committee member in MDL. \$775 million settlement on behalf of more than 25,000 plaintiffs.

**Opioids Liability**

*National Prescription Opiate Litigation*

NORTHERN DISTRICT OF OHIO – MDL No. 2804

Member of Plaintiffs' Executive Committee, Settlement Committee, Manufacturers' Committee, and Law & Briefing Committee in multidistrict litigation prosecuting RICO, public nuisance and related claims on behalf of local governments. Co-lead counsel for Negotiation Class.

*Bergen County v. Purdue Pharma, L.P., et al.*

NORTHERN DISTRICT OF OHIO

Co-counsel prosecuting nuisance, negligence, fraud, and related claims.

*Camden County v. Purdue Pharma, L.P., et al.*

NORTHERN DISTRICT OF OHIO

Co-counsel prosecuting nuisance, negligence, fraud, and related claims.

*Essex County v. Purdue Pharma, L.P., et al.*

NORTHERN DISTRICT OF OHIO

Co-counsel prosecuting nuisance, negligence, fraud, and related claims.

*City of Jersey City v. Purdue Pharma, L.P., et al.*

NORTHERN DISTRICT OF OHIO

Co-counsel prosecuting nuisance, negligence, fraud, and related claims.

*Township of Bloomfield v. Purdue Pharma, L.P., et al.*

NORTHERN DISTRICT OF OHIO

Co-counsel prosecuting nuisance, negligence, fraud, and related claims.

*Township of Irvington v. Purdue Pharma, L.P., et al.*

NORTHERN DISTRICT OF OHIO

Co-counsel prosecuting nuisance, negligence, fraud, and related claims.

**Antitrust**

*Humira (Adalimumab) Antitrust Litigation*

NORTHERN DISTRICT OF ILLINOIS

Executive Committee member in class action prosecuting antitrust claims for end-payors.

*German Automotive Manufacturers Antitrust Litigation*

NORTHERN DISTRICT OF CALIFORNIA – MDL No. 2796

Plaintiffs' Steering Committee member in class action prosecuting consumer antitrust claims.

*Liquid Aluminum Sulfate Antitrust Litigation*

DISTRICT OF NEW JERSEY – MDL No. 2687

Plaintiffs' Steering Committee member in class action prosecuting antitrust claims on behalf of water treatment chemical purchasers. \$33 million settlement.

*Polyurethane Foam Antitrust Litigation*

NORTHERN DISTRICT OF OHIO – MDL No. 2196

Executive Committee member in class action prosecuting antitrust claims on behalf of direct

purchasers. Approximately \$428 million settlement.

## Securities

### *Potter v. Valeant Pharmaceuticals International, Inc. et al.*

DISTRICT OF NEW JERSEY

Liaison counsel in class action prosecuting securities fraud claims. \$1.2 billion settlement.

### *Novo Nordisk Securities Litigation*

DISTRICT OF NEW JERSEY

Co-liaison counsel and member of Executive Committee in securities fraud class action.

### *Pfizer Inc. Securities Litigation*

SOUTHERN DISTRICT OF NEW YORK

Class and science counsel, lead counsel for class plaintiffs in Daubert hearing, and designated trial counsel. Case resolved with a \$486 million cash settlement fund for the aggrieved investors.

## Environmental/Toxic Exposure

### *East Palestine Train Derailment Litigation*

NORTHERN DISTRICT OF OHIO

Member of Plaintiffs' Executive Committee in class action prosecuting negligence, nuisance, and product liability claims.

### *Aqueous Film-Forming Foams (AFFF) Products Liability Litigation*

DISTRICT OF SOUTH CAROLINA – MDL No. 2873

Member of Plaintiffs' Executive Committee in MDL. Global settlements totaling more than \$13 billion on behalf of state and local governments.

### *Syngenta AG MIR 162 Corn Litigation*

DISTRICT OF KANSAS – MDL No. 2591

Member of Plaintiffs' Executive Committee. Certification of eight statewide and one nationwide class. Member of Plaintiffs' Settlement Negotiating Committee and principal negotiator. \$1.51 billion nationwide settlement.

### *Bayer CropScience Rice Contamination Litigation*

EASTERN DISTRICT OF MISSOURI – MDL No. 1811

Executive Committee in MDL. \$750 million settlement.

### *"StarLink" Corn Products Litigation*

NORTHERN DISTRICT OF ILLINOIS – MDL No. 1403

Co-lead counsel in class action MDL. \$110 million settlement.

*Owens v. ContiGroup Companies*

WESTERN DISTRICT OF MISSOURI

Lead trial counsel. \$11 million settlement for 15 plaintiffs.